

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**FUNCTION MEDIA, L.L.C.**

**Plaintiff,**

**vs.**

**GOOGLE, INC. AND YAHOO, INC.**

**Defendants.**

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**Civil Action No. 2007-CV-279**

**JURY TRIAL DEMANDED**

**[PROPOSED] ORDER**

Before the Court is Google's Motion for summary Judgment that any Alleged Infringement of U.S. Patent Nos. 6,446,045, 7, 240,025 and 7,249,059 was not willful. After considering said Motion, and the opposition and replies thereto, the Court finds that the Motion should be and hereby is **DENIED AS MOOT.**